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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,242	11/09/2001	Victoria E. Milton	MS1-2526US	6648
22801	7590	05/03/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER BONSHOCK, DENNIS G	
			ART UNIT 2173	PAPER NUMBER
			NOTIFICATION DATE 05/03/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/037,242

Applicant(s)

MILTON ET AL.

Examiner

Dennis G. Bonshock

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Non-Final Rejection

Response to Amendment

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 2-27-2007.

2. Claims 1-48 have been examined.

Status of Claims:

3. Claims 1-11, 15-29, 33-43, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boylan, III et al., Pub. No.: US 2006/0288366, Buehl, Patent #5,912,696, Newlin et al., Patent #6,636,211, hereinafter Newlin, and Understanding Universal Plug and Play, hereinafter MS.

4. Claims 12-14, 30-32, and 44-46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Boylan, III et al., Pub. No.: US 2006/0288366, Buehl, Patent #5,912,696, Newlin et al., Patent #6,636,211, hereinafter Newlin, Understanding Universal Plug and Play, hereinafter MS and Dubal et al., Patent #6,711,630, hereinafter Dubal.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant specification teaches on page 9, line 13

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through page 10, line 10, that the medium can include a communication medium, noting a signal such as a carrier wave.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 15-29, 33-43, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boylan, III et al., Pub. No.: US 2006/0288366, Buehl, Patent #5,912,696, Newlin et al., Patent #6,636,211, hereinafter Newlin, and Understanding Universal Plug and Play, hereinafter MS.

With regard to claims 1, 7, 15, 23, 33, and 39, Boylan teaches a method for tuning an information presentation appliance (advertisement program in a set top box) in a network environment (see paragraphs 54, 77, and 78). Boylan further teaches receiving user input specifying keyword for a particular category of information to be presented to a user (see paragraph 80). Boylan further teaches receiving user input specifying keywords related to categories of information to be blocked from display (see paragraph 79). Boylan teaches, the advertisements having content tags specifying the type of data included in the advertisement (see paragraph 77), and a bidirectional communication path between the Television Distribution Facility [52] and the Set Top

Box [54] where the Set Top Box provides the restrictions to the Television Distribution Facility which filters the advertisements, but doesn't specifically teach device description pages, containing categories of information to be presented, using a markup language.

Buehl teaches set top box for creating restriction on the type of media to be transmitted to it (see column 2, lines 15-30), similar to that of Boylan, but further teaches storing a preference vector describing the permissible media (see column 4, line 66 through column 5, line 15 and column 7, lines 1-35). It would have been obvious to one of ordinary skill in the art, having the teachings of Boylan and Buehl before him at the time the invention was made to modify the set top box content restricting system of Boylan to create and save a preference file, as did Buehl. One would have been motivated to make such a combination because this provides an organized means for storing all the content restrictive data. Boylan and Buehl, however, don't explicitly state network communication via a markup language.

Newlin teaches a set top box for creating restriction on the type of media to be transmitted to it (see column 7, line 62 through column 8, line 14), but further teaches communication between apparatuses being via Plug-and -Play on a network of universal media access (see column 8, lines 55-65). MS teaches utilizing Plug-and-Play for audio/video entertainment and defines the Universal Plug-and-Play standard stating that communication is via Internet standards with XML device description documents (see page 2 paragraph 2 and page 11 paragraph 2). It would have been obvious to one of ordinary skill in the art, having the teachings of Boylan, Buehl, Newlin, and MS before him at the time the invention was made to modify the set top box

content restricting system of Boylan and Buehl to include the transmission via a markup language as done by Newlin and MS. One would have been motivated to make such a combination because markup language is the standard for communication over a network between diverse systems.

4. With regard to claims 2, 8, 16, 24, 34, and 40, which teach the information presentation appliance conforming to Universal Plug and Play device architecture, MS, further teaches, on page 1, paragraphs 1-4, the use of the Universal Plug and Play architecture.

5. With regard to claims 3, 9, 20, 28, 36, and 42, which teach the markup language being text based, MS, further teaches, on page 11, paragraph 2, the use of XML which is known in the art to be a text based markup language (see attached definition).

6. With regard to claim 4, 21, and 37, which teaches the markup language identifies an element with a tag, and wherein the tag is defined in a schema, MS, further teaches, on page 11, paragraph 2, the use of XML which is known in the art to allow for custom tags to offer greater flexibility in organizing and presenting information (see attached definition).

7. With regard to claims 5, and 10, which teach information presented by the information presentation appliance is and audio information, Boylan further teaches, in paragraphs 43 and 51, presentation information including audio and video information. MS further teaches, on page 1, paragraph 5, the use of UPnP for audio/video entertainment. Newlin further teaches, in column 9, lines 38-41 and in column 8, lines

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55-65, the multimedia information, that is capable of being blocked, being at least one of audio signals, image signals, or data signals.

8. With regard to claims 6, and 11, which teach the information presented by the information presentation appliance is video information, Boylan further teaches, in paragraphs 43 and 51, presentation information including audio and video information. MS further teaches, on page 1, paragraph 5, the use of UPnP for audio/video entertainment. Newlin further teaches, in column 9, lines 38-41 and in column 8, lines 55-65, the multimedia information, that is capable of being blocked, being at least one of audio signals, image signals, or data signals.

11. With regard to claims 17, 25, 35, and 41, which teach the information presentation appliance is an electronic picture frame, Boylan further teaches, in paragraph 43, the system transmitting graphics information for display. MS further teaches, on page 1, paragraph 4, the use of UPnP in electronic imaging.

12. With regard to claims, 18 and 26, which teach the information presentation appliance being a speaker, Boylan further teaches, in paragraph 43, the system transmitting video, which is known to comprise audio data, and in paragraph 51, the use of audio. MS further teaches, on page 1, paragraph 5, the use of UPnP for audio/video entertainment.

13. With regard to claims 19 and 27, which teach the information presentation appliance is a decoder device, Boylan further teaches, in paragraph 79, the set top box receiving the advertisement data and breaking it down into parts to determine content.

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MS further teaches, on page 1, paragraph 4, the use of UPnP in intelligent appliances, and PCs of all form factors.

14. With regard to claims 22 and 38, which teach the categories of information in the device description page are identified with extended tags, and wherein the extended tags are defined in an extended schema, MS, further teaches, on page 11, paragraph 2, the use of XML which is known in the art to allow for custom tags to offer greater flexibility in organizing and presenting information (see attached definition).

16. With regard to claims 29 and 43, which teach the available categories of information include the selected categories of information, Boylan teaches, in paragraphs 77-80, selecting categories for display, while restricting others limiting the set, from the group of all categories. Newlin further teaches, in column 21, line 17 through column 22, line 10, blocking categories of information for display from the group of all categories.

19. With regard to claims 47 and 48, which teach receiving user input at the information presentation appliance, Boylan teaches, in paragraphs 77-80, receiving user input to selectively present desired information on the presentation appliance. MS further teaches, on page 30, paragraphs 1-5, the user clicking on a clock set application showing the use of an input device, from his laptop control point, and further on page 32, paragraph 3, the pressing of a mood control button, that effects several devices in the network.

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20. Claims 12-14, 30-32, and 44-46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Boylan, III et al., Pub. No.: US 2006/0288366, Buehl, Patent #5,912,696, Newlin et al., Patent #6,636,211, hereinafter Newlin, Understanding Universal Plug and Play, hereinafter MS and Dubal et al., Patent #6,711,630, hereinafter Dubal.

21. With regard to claims 12, 30, and 44, Boylan, Buehl, Newlin, and MS teach the UPnP system using XML groupings as discussed above, but fail to disclose using pointers to access the service description information. Dubal teaches, in column 1, line 65 through column 2, line 11, a system for providing plug and play functionality in an audio and video system, similar to that of Boylan, Buehl, Newlin, and MS, but further teaches the use of a pointer to the device object. It would have been obvious to one of ordinary skill in the art, having the teachings of Boylan, Buehl, Newlin, MS, and Dubal, before him at the time the invention was made to modify UPnP of Boylan, Buehl, Newlin, and MS, to include the functionality of a pointer system in accessing select categories of information. One would have been motivated to make such a combination because pointers, variables that contain memory locations, are an efficient means of accessing data.

22. With regard to claims 13, 31, and 45, Boylan, Buehl, Newlin, and MS teach the UPnP system using XML groupings as discussed above, but fail to disclose using pointers to a list function to access the service description information. Dubal teaches, in column 1, line 65 through column 2, line 11, a system for providing plug and play functionality in an audio and video system, similar to that of Boylan, Buehl, Newlin, and

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MS, but further teaches the use of a pointer to a list to the device object. It would have been obvious to one of ordinary skill in the art, having the teachings of Boylan, Buehl, Newlin, MS, and Dubal, before him at the time the invention was made to modify UPnP of Boylan, Buehl, Newlin, and MS, to include the functionality of a pointer system in accessing select categories of information. One would have been motivated to make such a combination because connecting nodes by pointers is an efficient means of accessing data.

23. With regard to claims 14, 32, and 46, Boylan, Buehl, Newlin, and MS teach the UPnP system using XML groupings, that have associated names as discussed above, but fail to disclose using pointers to a list function to access the service description information. Dubal teaches, in column 1, line 65 through column 2, line 11, a system for providing plug and play functionality in an audio and video system, similar to that of Boylan, Buehl, Newlin, and MS, but further teaches the use of a pointer to a list to the device object. It would have been obvious to one of ordinary skill in the art, having the teachings of Boylan, Buehl, Newlin, MS, and Dubal, before him at the time the invention was made to modify UPnP of Boylan, Buehl, Newlin, and MS, to include the functionality of a pointer system in accessing select categories of information. One would have been motivated to make such a combination because connecting nodes by pointers (a linked list) is an efficient means of accessing data.

Response to Arguments

24. The arguments filed on 2-27-2007 have been fully considered but they are not persuasive. Reasons set forth below.

25. Applicant's arguments with respect to claims 1, 7, 15, 23, 33, and 39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

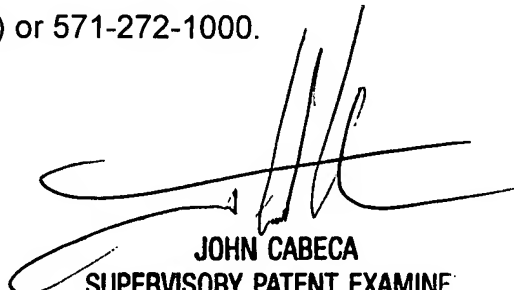
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeza can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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